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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
EASHOO, MARK				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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***Response to Arguments***

Applicant's arguments filed 10-JUL-2008 have been fully considered but they are not persuasive. However, the following comments apply:

A.) Applicant alleges that Scherr et al. does not teach the specific order of the reaction with respect to claims 9 and 10. However, Applicant acknowledges that Scherr et al. does teach reacting the claimed components "at the same time" (see applicant's response filed 10-JUL-2008, pg. 9). As such, the Office maintains that Scherr et al. does teach the order of reaction because when all the components are reacted at the same time, statistically, at least some of the reactants will react in the order as claimed. It is noted that since the instant claims are open (ie. comprising), the claim do not exclude the presence of reaction products formed by another route.

B.) In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, applicant's argument regarding the product formed in Littig et al. ignores the combination of the structure formed by the combination of references which substitutes equivalent and alternative cross-linking agents.

C.) In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Littig et al. and Scherr et al. are analogous art because they are from the same field of endeavor, namely, the production of water soluble cross-linked and/or grafted polyamines.

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D.) Applicant's argument with respect to Boeckh et al. is not persuasive. Applicant essentially argues that the components of the reference are different from those of Littig et al. and therefore not capable of an alternate use. However, Applicant fails to address that Boeckh et al. specifically teaches that "crosslinked polyamidoamines, polyamidoamines grafted with ethylenimine" (paras. 47, 50, and 70-72) are used in the overall product. It is submitted that the instant claims are open and therefore do not exclude additional reactions to the prepared crosslinked polyamidoamines, polyamidoamines grafted with ethylenimine rendered obvious by of Littig et al. and Scherr et al. (eg. cationic modification). Accordingly, it is maintained Boeckh et al. teaches and alternative use of the polymer rendered obvious by of Littig et al. and Scherr et al.

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4-Aug-08

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